

UNITED STATES DISTRICT COURT

for the

Western District of Michigan



SOUTHERN Division

MR. STACEY R. SMITH PRO SE (IN FORMA  
PAUPERIS. 28 USC 1361 & 1631 & MCL 400.1701 &  
4401 (1) - MANDAMUS AGAINST A STATE  
OFFICIAL. - MANDAMUS UT DE FOEDERATUM.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.  
If the names of all the plaintiffs cannot fit in the space above,  
please write "see attached" in the space and attach an additional  
page with the full list of names.)

-v-

(JURY DEMAND) - HON.: MICHIGAN SUPREME  
CHIEF JUSTICE BRIDGET M. MCCORMACK P58387.  
& KENT COUNTY LEAD PROSECUTOR  
CHRIS R. BECKER P-53572.

Defendant(s)

(Write the full name of each defendant who is being sued. If the  
names of all the defendants cannot fit in the space above, please  
write "see attached" in the space and attach an additional page  
with the full list of names.)

Case No. 1:16-CV-1381 USCCA: 20-1716.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE ALLEGING BREACH OF CONTRACT  
(28 U.S.C. § 1332; Diversity of Citizenship)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

|                    |   |
|--------------------|---|
| Name               | HON. GEORGE S. BUTH P-11479. (RETIRED) C/O P-44006. |
| Street Address     | 300 MONROE AVE NW (CORPORATE COUNSEL).              |
| City and County    | GRAND RAPIDS COUNTY (KENT).                         |
| State and Zip Code | MICHIGAN 49503                                      |
| Telephone Number   | 616-632-7570. (KENT COUNTY ADMINISTRATION)          |
| E-mail Address     | linda.howell@kentcountymi.gov (CORPORATE COUNSEL)   |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

|                                  |  |
|----------------------------------|--|
| Name                             | HON.: BRIDGET M. MCCORMACK P-58387. (CJ)-MSC.      |
| Job or Title <i>(if known)</i>   | CHIEF JUSTICE OF THE MICHIGAN SUPREME COURT.       |
| Street Address                   | 925 W. OTTAWA ST                                   |
| City and County                  | LANSING COUNTY (INGHAM) 55TH JUDICIAL DISTRICT.    |
| State and Zip Code               | MICHIGAN 48915                                     |
| Telephone Number                 | 517-373-0123                                       |
| E-mail Address <i>(if known)</i> | bmccormack@michigan.gov(MANDAMUS UT DE FOEDERATUM) |

## Defendant No. 2

|                                  |   |
|----------------------------------|---|
| Name                             | LEAD PROSECUTOR CHRIS R. BECKER P-53572.            |
| Job or Title <i>(if known)</i>   | LEAD PROSECUTOR CHRIS R. BECKER P-53572.            |
| Street Address                   | 82 IONIA AVE NW SUITE NO.: 450.                     |
| City and County                  | GRAND RAPIDS COUNTY (KENT)                          |
| State and Zip Code               | MICHIGAN 49503                                      |
| Telephone Number                 | 616-632-4710  |
| E-mail Address <i>(if known)</i> | chris_becker@kentcountymi.gov (ORDER TO SHOW CAUSE) |

## Defendant No. 3

|                                  |  |
|----------------------------------|--|
| Name                             | HON.: MARK A. TRUSOCK P-38156. (MCR 3.302) (MCR 3.305) |
| Job or Title <i>(if known)</i>   | CHIEF JUDGE OF THE 17TH JUDICIAL CIRCUIT COURT.        |
| Street Address                   | 180 OTTAWA AVE NW                                      |
| City and County                  | GRAND RAPIDS COUNTY (KENT)                             |
| State and Zip Code               | MICHIGAN 49503   |
| Telephone Number                 | 616-632-5008   |
| E-mail Address <i>(if known)</i> | mark.trusock@kentcountymi.gov                          |

## Defendant No. 4

|                                  |   |
|----------------------------------|---|
| Name                             | DEFENSE COUNSEL JOHN R. BEASON P-34095.       |
| Job or Title <i>(if known)</i>   | DEFENSE COUNSEL TO L.C. NO.: 14-11012-FH      |
| Street Address                   | 15 IONIA AVE NW SUITE NO.: 530                |
| City and County                  | GRAND RAPIDS COUNTY (KENT)                    |
| State and Zip Code               | MICHIGAN 49503                                |
| Telephone Number                 | 616-458-3791                                  |
| E-mail Address <i>(if known)</i> | beasonjohn@yahoo.com (jrbassistant@gmail.com) |

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

### A. The Plaintiff(s)

1. If the plaintiff is an individual

The plaintiff, (name) IN RE: STACEY R SMITH (PRO SE), is a citizen of the  
State of (name) MICHIGAN.

2. If the plaintiff is a corporation

The plaintiff, (name) NONE, is incorporated  
under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

### B. The Defendant(s)

1. If the defendant is an individual

The defendant, (name) CHIEF JUSTICE BRIDGET MCCORMACK, is a citizen of  
the State of (name) MICHIGAN. Or is a citizen of  
(foreign nation) NONE.

2. If the defendant is a corporation

The defendant, (name) MICHIGAN SUPREME COURT - (MSC)., is incorporated under  
the laws of the State of (name) MICHIGAN AND THE UNITED STATES - (USA)., and has its  
principal place of business in the State of (name) MICHIGAN.  
Or is incorporated under the laws of (foreign nation) NONE,  
and has its principal place of business in (name) 925 W. OTTAWA ST LANSING, MI 48915.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

### C. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

DEFAULT REQUEST,  
ENTRY, AND JUDGMENT : COA: 352572 286,660.00 \* 25.00%> \$ 71,665.00 + 286,660.00 =  
\$358,325.00  
(SUM CERTAIN)

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### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The plaintiff, *(name)* IN RE: STACEY R SMITH, and the defendant,  
*(name)* MICHIGAN SUPREME COURT AND THE KENT COUNTY PROS., made an agreement or contract on  
*(date)* 07/22/2015. The agreement or contract was *(oral or written)* Written ☒. Under that  
agreement or contract, the parties were required to *(specify what the agreement or contract required each party to do)*  
BREACH OF THE 17TH JUDICIAL CIRCUIT PLEA (SENTENCING AGREEMENT) - FOEDERATI ORDINE DE  
MANDAMUS - MCR 3.302; MCR 3.305; MCL 400.1701; MCL 400.4401 (1) - 28 USC 1361 & 1631 - ARTICLE  
17 OF THE MICHIGAN CONSTITUTION OF 1963; AMENDMENT (V) MOTION TO SEAL MSC: 161058 -  
DENIED UNDER THE INSTRUCTION OF THE 6TH CIRCUIT COURT OF APPEALS - 20-1716 - MOTION FOR  
RELIEF FROM JUDGEMENT; ORDER TO VACATE CONVICTION-MOTION TO TRANSFER:28USC1631.

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The defendant failed to comply because *(specify what the defendant did or failed to do that failed to comply with what the agreement or contract required)*

28 U.S.C. § 1631 authorizes transfer of civil actions and appeals among the federal courts when a  
court " finds that there is a want of jurisdiction. " The  
question presented by the petition is:  
Did the court of appeals correctly conclude  
that, under 28 U.S.C. § 1631, " want of jurisdiction " refers to want of either subject-matter or

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The plaintiff has complied with the plaintiff's obligations under the contract.

### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

DEFAULT REQUEST,  
ENTRY, AND JUDGMENT : COA: 352572 286,660.00 \* 25.00%> \$ 71,665.00 + 286,660.00 =  
\$358,325.00  
(SUM CERTAIN)

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**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/18/2021

Signature of Plaintiff MR. STACEY R. SMITH (ONLY):  
Printed Name of Plaintiff MR. STACEY R SMITH (PRO SE) INFORMA PAUPERIS.

**B. For Attorneys**

Date of signing: 01/18/2021

Signature of Attorney NONE  
Printed Name of Attorney \_\_\_\_\_  
Bar Number \_\_\_\_\_  
Name of Law Firm \_\_\_\_\_  
Street Address \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_